(13)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ.
HON'BLE SHRI D.R. DESHMUKH, J.

M.A. (C.) NO.431 OF 2007

Appellants Claimants

1. Prem Lal Gupta aged 52 years son of Babu Lal Gupta
2. Smt. Radha Bai aged 49 years wife of Prem Lal Gupta
3. Smt. Janki Bai Gupta aged 25 years wife of Late Ravindra Kumar Gupta
4. Priyanshu Gupta aged 6 years (minor)
5. Ku. Priyanka Gupta aged 1 year 6 months (minor)

Applicants No. 4 & 5 through their guardian mother Smt. Janki Bai Gupta wife of Late Ravindra Kumar Gupta

All of them resident of Purani Basti Pendra, Tahsil Pendra Road, Distt. Bilaspur (C.G.)

Versus

RESPONDENTS Non-applicants

1. Dilip Patel aged 20 years son of Dilharan Patel, resident of Village Dhuma, P.S. Torwa, Distt. Bilaspur (C.G.)
2. Arvind Kumar Prajapati aged 40 years, son of Bindeshwar Prajapati, resident of Village Dhelwadih, Post – Katghora, Distt. Korba (C.G.)
3. The New India Insurance Company Ltd. Branch Office-Bilaspur (451051), Distt. Bilaspur (C.G.)

Appeal Under Section 173 of Motor Vehicles Act 1988.

Present : Shri Kamal Pandey, counsel for the appellants.

ORAL ORDER

(Passed on 13th April, 2007)

The following oral order of the Court was passed by **D.R. Deshmukh, J.**

Heard.

(2) The only point urged by the learned counsel for the appellants is that the compensation awarded by the MACT is not just and reasonable compensation as the MACT ought to have taken into consideration the amount earned by the deceased by holding tuition classes.

(3) We are not inclined to agree with the submission made by the learned counsel for the appellants. The deceased was a Government servant-teacher. The MACT on proper appreciation of evidence has rightly rejected the contention of the claimants that the deceased was earning from tuition also. We also find that the learned MACT has awarded a sum of Rs. 15,000/- towards expenses incurred in treatment whereas no such evidence was adduced. In that view of the matter, the appellants could have no grievance regarding adequacy of the compensation awarded by the Tribunal. We do not find any merit in this appeal which is accordingly dismissed at the stage of admission.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge